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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,154	03/24/2000	Eric Metois	SOL-148	1884
7590	02/12/2004		EXAMINER	AKPATI, ODAICHE T
Barry R Lipsitz Law Offices Of Barry R Lipsitz 755 Main Street Building 8 Monroe, CT 06468			ART UNIT	PAPER NUMBER
			2135	
			DATE MAILED: 02/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/535,154	METOIS ET AL.
	Examiner	Art Unit
	Tracey Akpati	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 7/13/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-20, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Efron et al (4,755,884).

With regards to Claim 1, Efron meets the limitation “embedding a watermark with a degree of redundancy into the signal to form a steganographic signal” on column 7, lines 57-66; and “measuring a deterioration of the embedded watermark in the steganographic signal after the steganographic signal undergoes the processing” on column 8, lines 20-57, column 7, lines 17-25; and “estimating the nature and/or the amount of the processing based on the measured deterioration” on column 15, lines 33-44.

With respect to Claim 2, Efron meets the limitation “said estimating step estimates an intrinsic fragility of the watermark by analyzing characteristics of the steganographic signal” on column 8, lines 7-19, column 7, lines 17-25 and on column 9, lines 5-10.

With respect to Claim 3, Efron meets the limitation “controlling an output of the steganographic signal when the amount of the estimated processing exceeds a threshold level, or the nature of the estimated processing is of a specified type” on column 8, lines 58-68, column 9, lines 1-2.

With respect to Claim 4, Efron meets the limitation “the nature and/or the amount of the estimated processing indicates whether the steganographic signal has undergone unauthorized processing” on column 8, lines 67-68 and on column 9, lines 1-2.

With respect to Claim 5, Efron meets the limitation “a user acquires the steganographic signal after it undergoes the processing; and the nature and/or the amount of the estimated processing indicates whether the acquired steganographic signal closely matches the steganographic signal before it undergoes the processing” on column 9, lines 54-68 and on column 10, lines 1-2.

With respect to Claim 6, Efron meets the limitation “providing a message to the user indicating whether the acquired steganographic signal closely matches the steganographic signal

before it underwent the processing" on column 10, lines 22-40. The message to the user is disclosed as the printed report in the reference.

With respect to Claim 7, Efron meets the limitation of multi-generational copying on column 7, lines 38-45.

With respect to Claim 8, Efron meets the limitation "the deterioration of the embedded watermark is measured in accordance with a fragility profile of the embedded watermark" on column 8, lines 7-19.

With respect to Claim 11, Efron meets the limitation "the steganographic signal further includes an embedded robust watermark that signals a receiver that the watermark with redundancy is present in the steganographic signal" on column 7, lines 57-66.

With respect to Claim 12, Efron meets the limitation "the steganographic signal comprises at least one of audio and video content" on column 9, lines 47-53.

With respect to Claim 13, Efron meets the limitation "analyzing an intrinsic fragility of the signal, which is a carrier of the watermark layer determining a fragility profile in response to said analyzing step" on column 8, lines 65-68 and column 9, lines 5-10.; and "wherein the fragility profile is a model or a function that relates a degradation measure of the watermark

Art Unit: 2135

layer to a degradation measure of the signal that carries the watermark" on column 8, lines 58-68 and on column 9, lines 1-10.

With respect to Claim 14, Efron meets the limitation "subjecting the steganographic signal to at least one processing step" on column 9, lines 54-68, column 9, lines 1-2; and "wherein the fragility profile denotes a deterioration of the embedded watermark layer due to said at least one processing stage" on column 9, lines 54-68, column 9, lines 1-2.

With respect to Claim 15, Efron meets the limitation "the intrinsic fragility analysis is applied to a cover portion of the signal before the signal is degraded by at least one processing step to indicate whether or not the watermark layer will survive the processing step" on column 9, lines 5-10.

With respect to Claim 16, Efron meets the limitation "increasing a power of the watermark layer in the signal before the signal is degraded by the processing step if the intrinsic fragility analysis indicates that the watermark layer will not survive the processing step" on column 7, lines 11-16 and on column 8, lines 65-67.

With respect to Claim 17, Efron meets the limitation "the intrinsic fragility analysis is applied to a cover portion of the signal to suggest eventual modifications of a configuration a watermarking system used to provide the watermark layer to ensure a survival of the watermark

layer through a specified processing stage" on column 8, lines 58-68 and on column 9, lines 1-10.

With respect to Claim 18, Efron meets the limitation of "after the analyzing and determining steps, the signal, and data designating the fragility profile, are distributed to a decoder" on column 31, lines 49-53.

With respect to Claim 19, Efron meets the limitation "the data designating the fragility profile is carried in the signal" on column 9, lines 5-10.

With respect to Claim 20, Efron meets the limitation "the data designating the fragility profile is carried in the signal in another watermark layer" on column 10, lines 10-16.

With respect to Claim 22, Efron meets the limitation "means for embedding a watermark with a degree of redundancy into the signal to form a steganographic signal" on column 7, lines 57-66; and "means for measuring a deterioration of the embedded watermark in the steganographic signal after the steganographic signal undergoes the processing" on column 8, lines 20-57 and on column 7, lines 17-25; and "means for estimating the nature and/or the amount of the processing based on the measured deterioration" on column 15, lines 33-44.

With respect to Claim 23, its limitation is similar to Claim 13 limitation and hence its rejection can be found therein.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Efron (4,755,884) in view of Shimpuku et al (5,432,799).

With respect to Claim 9, all the limitation is met by Efron except the limitation disclosed below.

The limitation “the fragility profile denotes a relationship between a bit error rate of the watermark and a signal to noise ratio of the steganographic signal” is met by Shimpuku et al in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shimpuku et al within the system of Efron so as to be able to modulate the signal.

With respect to Claim 21, all the limitation is met by Efron except the limitation disclosed below.

The limitation of “the fragility profile denotes a relationship between a bit error rate of the watermark layer and a signal to noise ratio of the signal after the watermark layer and the signal are degraded” is met by Shimpuku in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shimpuku et al within the system of Efron so as to be able to modulate the signal.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Efron (4,755,884) in view of Smith et al (5,945,932).

With respect to claim 10, all the limitation is met by Efron except the limitation disclosed below.

The limitation of “the watermark is embedded in the signal in accordance with a predicted sensitivity of the signal that is based on a psychoacoustic analysis thereof” is met by Smith et al in the abstract. The psychoacoustic analysis is represented by situation described of a code that has symbols formed from an impulse function having its energy within a specified frequency range, that is inaudible to human perception.

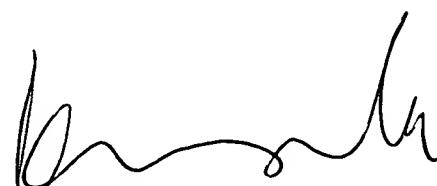
It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith et al within the system of Efron because the art of using the psychoacoustic analysis feature would enable a watermark embedded within an audio stream to be undetectable to the common user. Hence, this feature can be used to store authentication information or other forms of secret data that is to be kept unknown to the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA  
February 6, 2004



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2004-02-06